

1869-005 Chancery Causes. Andrew F. Simmons for &c vs. Thomas G. Gregory &c  
Lee Co.

Fitts, Hamblen, Bradley, Beatty, Tankersley, Dickinson, Nelson,  
McKinney, Morison, Vincent

CA Debt  
T-Property

-Deed



To the Honorable Benjamin Etice Judge of the Circuit Superior Court of the County of Lee, the Bill of Complaint of Andrew H. Simons, who sues for the benefit of Cornelius Fells, respectfully represents, That on the 1<sup>st</sup> day of April 1841. one Thomas J. Gregory became indebted to your Orator in the sum of \$120.00. on which day he executed his note, under seal, to your orator for the said sum. ~~long after~~ <sup>which note</sup> afterwards assigned to the said Fells for value. <sup>and</sup> Some time after the said note became due, the said Gregory absconded, or privately removed himself from this County, and your Orator took out an attachment against him as an absconding debtor, upon the said debt, and obtained a judgment therefor <sup>for the Court of said</sup> upon the said attachment, before the County Court of said County on the 16<sup>th</sup> day of August 1841. The property attached was condemned to be sold by the said County Court, to satisfy the said judgment, and at the sale thereof, the property produced the sum of \$39.71 as a Co.


to your <sup>the proc.</sup> of other individuals, <sup>and</sup> <sup>and</sup> ment. And this is all that your Orator has ever been able to make in satisfaction and payment of his said judgment. A copy of the record and proceedings of the said suit by attachment, is herewith filed, marked (A) and prayed to be taken as a part of this Bill. — Your Orator states, that before the said Gregory absconded, he had purchased a tract of land in said County from one Champ Hambleen, the purchase money for which he had fully paid up, and had full possession of the land, but had not, nor had he yet obtained from Hambleen, who is his father-in-law, the legal title thereto. The first thing your Orator heard of the said Gregory after his elopement, he was confined in Sullivan jail in Blountsville Tennessee, for felony, and if he is yet released therefrom, your Orator has not heard of it. Whilst confined there however, he executed a deed in trust on the said land, to Robert E. Bradley Esq. as Trustee, to secure sundry debts which he owed, to John M. Bealy, William



C. Dickinson, who is since dead, and whose estate is now represented by Royd Dickinson, & Daniel S. Dickinson his Administrators, & Pleasant Tankersly of this County, and Thomas A. R. Nelson & Robert J. M. Kinney of Tennessee, who are his Counsel and Attorneys in the said prosecution for felony. This Deed of Trust, is dated the 10<sup>th</sup> day of January 1842, is subsequent to your Orator's judgment herein, and, <sup>except as to Mr. Tankersly, who has an equal judgment by judgment</sup> he is advised, must wait until your Orator is <sup>satisfied</sup> with the said Deed in Trust for the said land. A copy thereof marked (B) is herewith filed and prayed to be taken as a part of this Bill. This Deed gives the best description of the said Tract of Land, which your Orator is not able to give, but he will hereafter, endeavour to show the Court distances & true quantity thereof. — There is no personal property within the reach of your Orator, belonging to the said Gregory, out of which your Orator can make the balance due on his said judgment, so that the said Land, is the only resource for the payment of his said debt. And the said land

being a <sup>30th</sup> ~~part~~ of the said land, and the <sup>30th</sup> ~~part~~ of the said land, so that the <sup>30th</sup> ~~part~~ of the said land, cannot reach his body, your Orator is wholly without remedy at Common Law, and is forced to resort to a Court of Equity for relief. Your Orator therefore prays, that the said Thomas J. Gregory, Champ Hambleton, Robert E. Bradley, <sup>Trustee in said Deed</sup> John M. Beatty, Pleasant Tankersly, Royd Dickinson & Daniel S. Dickinson Administrators of the estate of William C. Dickinson deceased, & Thomas A. R. Nelson and Robert J. M. Kinney may be made parties Defendants to this Bill, and be compelled, fully, and on oath, to answer all the allegations thereof; That the said Champ Hambleton may be compelled to convey the legal title to the said Land, either before, or after the sale thereof, directed by your Honor, and that your Honor may decree such sale, to satisfy your Orator's said Debt. That if your Honor shall decide that the persons interested in the said Deed in Trust, shall have any preference of payment, in the

sale of the said Land, over your Orator, and shall permit the said Trustee, to execute the said Trust, for the benefit of the persons interested therein, that in that event, your Honor will require the said Trustee, to pay to your Orator any sum of money for which the said Land may sell, above the responsibilities of the said Trust deed. That order of publication be made against the Defts. John M. Beatty, Thomas J. Gregory, Thomas A. R. Nelson & Robert J. M. Kinney, who are non residents, and that if necessary, your Orator may apply to your Honor for an order, to sell the said Land, and that such other & further relief he shall see fit to give your Orator as his case may require, and equity can properly give all of which, he prays for the benefit of the said Defts. to whom the said Debt is really now due. May the Comth. writ of Habeas Corpus and as in duty your Orator will ever pray.

Sharp for Compt.  




*Simons for Tills.*

*or E. Bice*

*Gregory & others*

1842 Dec. Bill filed & order  
Publication & absent  
Defendant & continued

1843 Aug. & Feb. March. April cont.  
May. Sept. & Nov. & Dec. cont.  
Sank & up and & S. S.  
Sick & in and in & filed  
June & July continued  
Aug. Sept. Oct. & Nov.  
and Dec. continued

1844 Aug. & Feb. continued

March, April, May  
June, July, Aug. Sept.  
Oct. Nov. & Dec. cont.

1845 Aug. Feb. March cont.  
April continued  
May, June, July, Aug. & Sept.  
Oct. & Nov. & Dec. cont.

Aug. cont. Sept. cont.  
Oct. cont. Nov. cont.  
Dec. continued

Aug. cont. & Feb. cont.

March set for hearing

by complainant.

Sept. M. B. D. Land, B. D.

Martin & Lewis Smith

Came to & value land

Sept. Report of Com. filed  
Nov. continued

1847 April continued

Sept. Decree for

Sale of land cont.

1848 April Com. Report

filed & continued

Sept. continued

1849 April continued

Sept. continued

1850 April continued

Sept. continued

1851 April Decree & cont.

Sept. continued

1852 April cont.  
Sept. continued

1853 May continued  
Oct. continued

1854 May continued

Oct. continued

1855 May continued

Oct. continued

1856 May continued

Oct. continued

1857 May continued

Oct. continued

1858 May continued



To the Honorable Benjamin Estill judge of  
the Circuit Superior Court of Law and Chancery for  
Lee County.

The answer of Robert E. Bradley to a bill  
of complaint exhibited in this Honorable Court by  
Francis F. Simpson, who sues for the benefit of  
Carnelius Hitts against Thos. J. Gregory, Champ  
Maublin, your Respondent and others. This Respondent  
reserving to himself the usual & proper exceptions to  
said bill, answers and saith that on the 10<sup>th</sup> day  
of January 1842 Thomas J. Gregory executed to this  
Respondent a Deed of Trust upon the tract of land  
in the bill mentioned, to secure the debts therein  
mentioned, and the said Gregory by his written  
order drawn upon <sup>Respondent</sup> as trustee, bearing date on the  
said 10<sup>th</sup> day of January 1840, being the same day on which  
the said Deed of Trust was executed, directed <sup>Respondent</sup>  
to pay out of the proceeds of the sale of the said  
Land when sold \$10.00 to Francis Mmsey, and  
Preston & Gibson's debt. which last debt was \$10.00  
due sometime in the year 1839, as appears by an  
~~order at the time~~ endorsement made at the foot of said order by ~~Myself~~  
Respondent which debts of Mmsey & Preston & Gibson your Respon-  
dant assumed to pay when the money arising from  
said sale should come into his hands, the said  
order is herewith filed marked (B) and prayed  
to be taken as part of this answer. This order was  
executed in the presence of this Respondent.

This Respondent was the counsel of William C.  
Dickinson in the suit of said Dickinson vs said  
Gregory, mentioned in Complaints said bill and  
in said Trust Deed, and this Respondent expres-  
sly avers, that at the time the said Trust Deed  
was executed by said Gregory to your Respt. it was



distinctly and clearly understood that the said Trust  
Deed was to operate as mere collateral security in  
the said Dickinson's judgment Lien, tho' not thus  
expressed by Gen. P. C. Johnston the ~~grantee~~ in said deed

This Respondant has not as yet executed the said  
Trust Deed, but will await the decree of this Honorable  
Court, before he proceed to act therein, and having  
thus fully answered the Complainant's bill prays  
to be hence dismissed with his costs &c.

R. E. Bradley

Sworn to in open court this

6th day of April 1843

Geo. J. W. S. Morison Clk



Br  
R. B. Bradley  
4  
admission

Simons for Fites

1823 April - turned file by leave of the  
court.



To the Honorable Benjamin Estill Judge of the  
Circuit Superior Court of Law & Chancery for Lee  
County.

The answer of Roger Dickinson & Daniel V.  
Dickinson administrators <sup>with the will annexed</sup> ~~of the estate~~ of Wil-  
liam C. Dickinson Deed. to a bill of complaint  
filed in this Honorable Court by Andrew F. Simon  
who sued for the benefit of Cornelius Fitts against  
these Respondents and others. These Respondents  
reserving the usual & proper exceptions to said bill,  
answer and say, that on the 17<sup>th</sup> day of August 1841  
their testator William C. Dickinson obtained a  
judgment in the County Court of Lee County & State  
of Virginia, against <sup>Thos. J. Gregory</sup> their co-defendant, for the sum  
of \$23.00 with interest thereon from the 1<sup>st</sup> day  
of July 1841 and \$6.80 costs, and on the 10<sup>th</sup> day  
of January 1842 the said Thos. J. Gregory executed  
the ~~the~~ Deed of Trust in the Complainant's bill men-  
tioned to Robert E. Bradley as trustee for the purpose  
of more effectually securing the ~~the~~ debts therein men-  
tioned, and with his costs & expense to the said  
Gregory. Your Respondents are informed that the said  
Trust Deed was taken as some collateral security  
to the said judgment of the said W. C. Dickinson  
and executed ~~executed~~ for the purpose of preventing  
the costs of a suit in Chancery to subject the said land  
in the said Trust Deed from sale under a decree  
of a court of Equity to enforce the said judgment  
Lain. Your Respondents know nothing of the complain-  
ant's claim and therefore do not admit it. But insist upon  
their priority over all other creditors to be paid out of the  
funds arising from a sale of said Land. Your Respondents  
would here state that on the 1<sup>st</sup> day of 184 at the



County of Lane and the said M. C. Dickinson departed this  
life after having made his last will and testament, and  
having appointed John T. Panson his Executor, who  
refused to qualify, and thereupon administration with  
the Will annexed was granted by the County Court  
of said County to your Respondents. They therefore  
ask your Honor to render a decree for the sale  
of the said Land and out of the <sup>first</sup> proceeds arising  
therefrom, to pay the debt due these respondents, as  
they are informed that the \$30.00 provided to be paid, by  
the said Trust deed, was intended to discharge so much of their debt.

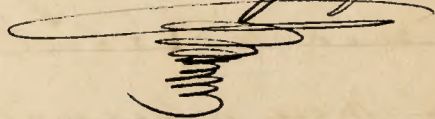
and that your Honor will render a decree requiring  
their co-defendant, <sup>Chas. H. Hargrave</sup> to convey the legal title for said  
Land to whomsoever the same may be sold by your  
Commissioners. And having thus fully answered your  
Respondents pray to be hence dismissed with their  
costs &

Suons to in open court the

6<sup>th</sup> day of April 1863

J. M. S. Mendenhall

Bradley p. H.





<sup>Br</sup>  
Popd. S. Dickinson

at as } mason

Simon for Little

1823  
April term filed by leave of the court



To the Honorable Benjamin Eslee Judge of  
the Circuit Superior Court of Law and Chancery for  
Lee County.

The separate answer of Pleasant Lem  
Hersley to a bill of Complaint, exhibited in the  
Honorable Court by Andrew H. Simons who sues  
for the benefit of Cornelius Fitts. This Respondant,  
reserving the usual & proper exceptions to said bill,  
answers as follows that on the 16<sup>th</sup> day of August 1841 this  
Respondant obtained a judgment upon an attach-  
-ment in the County Court of said County, against Thom-  
-as C. Gregory for the sum of \$46.50 with interest thereon  
from the 4 day of June 1841 and \$4.20 costs, supra  
which judgment your Resp<sup>t</sup> has received \$15.65,  
the residue of said judgment remains yet unpaid,  
a copy of which is herewith filed marked (2) and proposed  
to be taken as part of this answer. This Respondant is  
informed that the said Gregory executed the Trust  
Deed in the Complainant's bill mentioned, on the 10<sup>th</sup>  
day of June 1842, to secure the debts therein mentioned  
and to prevent the costs of suits in chancery to subject  
the said land in the said bill & Deed mentioned  
to sale. This Respondant has no objection to the  
sale of the said land under the Complainant's lien  
but claims <sup>priority</sup> to be paid his debt out of the proceeds  
thereof over the Complainant. And having thus  
answered so much of Complainant's bill as he is ad-  
vised it is material for him to answer, for a part to be  
hereby dismissed with this costs &c.

Sworn to in open court on the 14<sup>th</sup> day of  
April 1843

Attest A. W. S. Monson Clk

Bradley p. 12.



(Ba)

Pleasant San Rely,

ad<sup>d</sup> { name

Simons for Pitts

1925

April benefits by leave of the court



To the Honorable Benjamin Estill, Judge of the Circuit Superior Court of Law and Chancery of Lee County, the separate answer of John M. Beatz to a Bill in Chancery exhibited in this Court by Andrew F. Simon, for the benefit of Cornelius Fitts, against himself and others, respectfully represents:

That this respondent, saving and reserving now and at all times hereafter all just and proper exceptions to the Com-  
-plets bill, yet for answer thereto, or to so much thereof as he is advised it is material he should answer, he says: That he has no personal knowledge of the complets claim a-  
-gainst his co-defendant Thomas J. Gregory; But he does not admit the effect of the complets judgment on the attachment mentioned in his bill to be such as he claims, and contends, that such judgment does not operate so as to give to him a lien on the land of said Gregory sought by the bill to be subjected to the payment of his debt. In regard to the trust deed mentioned in complets bill, this respond<sup>t</sup> has no personal know-  
-ledge, but he has been informed that it was executed bona fide by said Gregory for securing the debts therein mentioned. This respondent will further say, that the debt due to him and mentioned in said trust deed was created before the said Gregory removed from Lee County, and is justly due to this respondent. He herewith files the note of said Gregory, which is mentioned in said trust deed, as a part of this answer, marked (A). The note was executed to Wm Hampton, & has been trans-  
-ferred to this respondent.

Having thus fully answered all of said bill which he is advised it is material to answer, he prays to be hence dismissed with his costs.

Johnston, for resp<sup>t</sup>.

Virginia, Lee County, to wit:

This day John M. Beatz personally appeared before the undersigned, a justice of the peace in and for said County, and made oath, that the facts stated in the foregoing answer as of his own knowledge are true, and that those stated as upon the information of others he believes to be true. Given under my hand this 8<sup>th</sup> day of April 1845.

Jonathan Richmond



John M. Beaty

Dr. } answer.

Simons for Fitts

Exhibit filed.

1825 April term filed by  
leaves of the court



To The Honorable Benjamin Estee Judge of the Circuit Superior  
Court <sup>Land & Chancery</sup> of Des Moines, in Chancery sitting, The Answer of Champ Ham-  
bler, to The Bill of Complaint of Andrew F. Simons, who sues for the benefit  
of Cornelius Fells, filed against him, Thomas J. Gregory doth in said Court

This Deft. without making any exceptions to said Bill, for Answer  
hereto saith, that it is true, as represented therein. That this Deft. sold  
to the said Gregory the land in the Bill mentioned, and executed  
a bond to him for a good title therefor, having first received from  
him, the whole of the purchase money for the said land. This title  
Bond, this Deft. supposes is still in the hands of the said Gregory, &  
this Deft. is at all times ready & willing to convey the legal title to the  
said land, pursuant to the terms of his said title bond, to any  
person entitled thereto, or who may become entitled, under the de-  
-cree of this Court.

The said tract of land is supposed to contain about 75 acres,  
and is bounded as follows, and lies on the north side of Pawell's river.  
Beginning at a Sassafras & Spanish Oak on the bank of said river. Then  
up the same according to the several courses thereof 130 poles to three pop-  
lars. N. 55 W. 96 poles to a swamp White Oak. S 62 W. 80 poles to a large  
poplar in a hollow. S 49 E. 20 1/4 to the beginning.

This Deft. having now fully answered said bill, prays to be  
hence dismissed with his costs &c.

Sharp for Deft.

Sworn to in open court on the 21<sup>st</sup>  
day of April 1823.

Geo. J. W. M. Moulton



Hambleton

ad. & answer

Simons for Fees

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1843 April term filed by leave  
of the court.



Simon for H<sup>is</sup> }  
Gregory & Thos } In Chancery

This cause came on to be again heard, upon this 22<sup>d</sup> day of September 1869, when the papers formerly read in the cause, and the report of John B. West who was by a former decree of this Court appointed a Commissioner to convey to Andrew W. Ely, the land sold by the trustee in the Bill mentioned, according to the meter & bounds set forth in the answer of Champ Garbolen one of the Defts in said cause, and there being no exceptions to said report, and the case being <sup>argued by</sup> counsel, and it appearing to the Court, that the said Commissioner had executed, and acknowledged before Andrew Milbourn a justice of said County, a deed for the said land, pursuant to the decree, entered in this cause at the last April <sup>Term</sup> of this Court; it is therefore adjudged ordered, and decreed, that the said report, and conveyance be confirmed, and that the said deed be delivered to the said Andrew W. Ely for recordation; and there appearing to be no further reason for retaining this cause upon the docket, it is ordered to be stricken from the same,



Simon for Hitt,

W<sup>3</sup> Decne

Gregory & others

Sept Term 1869.

Enter this decree.

John W. Johnston.

Sep 22. 1869

Entered O.B. p 87-8

H. J. Morgan, R. Clerk



Simons for Fitts,  
vs  
Gregory & others } In Chancery.

It appearing to the Court, that Robert E. Bradley, the trustee in the Bill mentioned, sold pursuant to a decree in the Cause, the land embraced in the deed of trust in the Bill mentioned, and also from the report of the <sup>said</sup> trustee, which was confirmed by the Court, that Lewis Smith became the purchaser, of said land; ~~and it also~~ appearing to the Court that this Cause was prematurely stricken from the docket, before a conveyance was made to said purchaser, who from another decree in the Cause appears to have fully paid the purchase money; wherefore upon motion of the said Lewis Smith, the said Cause is ordered to be again placed upon the Court, docket; - and the said Cause coming on to be again heard, this - day of April 1869, upon the papers formerly read in the Cause, and the argument of counsel; and it appearing to the Court from the admissions of Lewis Smith who appeared in open Court, that he had ever since said purchase possessed said land, until recently <sup>he</sup> sold it to Andrew M. Ely, who is also in Court, and that he, said Smith desires the conveyance to be made directly to the said Ely & not to himself, and it also appearing to the Court, from the evidence in the Cause, that the said Gregory had only an equitable title, to the land embraced in the trust deed & that the trustee had only the same, and that the legal title was in



Champ Hamblen a defendant in this cause, who by his answer  
now on file in the same, admitted that he had sold the  
land in the said deed of trust mentioned, to the said  
Gregory, and had received the full amount of the  
purchase money therefor, and that he supposed that  
Gregory the absent Dept had his title bond, and that the  
said <sup>trust of</sup> land was supposed to contain 75 acres, and bounded  
by meter & bounds set out in said answer; - on  
consideration whereof it is <sup>further</sup> adjudged, ordered, and decreed  
that L. B. West, who is ~~intended~~ appointed a commissioner  
for the purpose, convey by deed with special warranty  
to endorse Mr. Coley, the land in the bill, ~~mentioned~~,  
sold by said trustee, to said Smith, by the meter & bounds  
set forth in <sup>the</sup> answer of Champ Hamblen filed in  
this cause, & that said commissioner report his  
proceedings to the next term of this Court, and the  
cause is continued.

Entered for file

W. J. Deane

Gregory & others

April 1869

Enter this decree.

John W. Johnston

April 30, 1869

Entered for 74

Chas. J. Morgan & Co.



Simon for Fitts vs. Gregory - Chy.

This cause came on again this day to be heard upon the papers formerly read, and the report of Richard M. Hambleton the Commr. appointed by a former decree to take the account ordered in this cause, & was argued by counsel; And it appearing the said report not being excepted to, the same is affirmed; And it appearing <sup>from said report</sup> that the purchase money of the land of the def<sup>t</sup> which was sold under a former decree in this cause has been fully paid up to John W. S. Morrison the Commr. appointed to collect the same by the purchaser Lewis Smith, & that the sum of \$80 has been paid to R. C. Johnston under an order in this cause by R. E. Bradley's adm<sup>t</sup>. together with a note executed by said Smith & John Clark on which a balance of \$17.00 is unpaid with interest thereon from the 1<sup>st</sup> day of November 1853, which said sum of \$80. and said note were for debts of the said land prior to its sale; And it also appearing that a part of the debt due to the beneficial compe<sup>t</sup> has been paid to him, leaving a balance yet due to him including his costs of this suit <sup>(except the fee of Commr. Hambleton for said)</sup> on the 17<sup>th</sup> day of August 1859 of \$69.66 of which sum \$29.56 is to bear interest from the last mentioned date, & that the debt to Pleasant Tankersly has been fully paid; It is therefore adjudged, ordered, & decreed, that the said Johnston Commr. pay to the said Fitts the said balance of his debt yet due & unpaid of \$69.66 with interest on \$29.56 part thereof from the date last aforesaid till paid, and also pay to the said Hambleton Commr. his fee of \$6.00 for taking said account; And <sup>that</sup> the residue of the said money <sup>& note</sup> in said Johnston's hands be paid over by him to Lewis Campbell the daughter of the said Gregory, he having long ago left the County & being supposed to be dead. And the object of this suit being attained, it is ordered to be stricken from the docket.



Geneville, Dec. 3<sup>rd</sup> 1859. Received of W. C. Johnston. Comdr.  
Forty three dollars, in part of the sum decreed to be paid  
me by the within decree.

W. Hills  
By E. Hubert D<sup>ns</sup>

Simon, for Hills

W.

3 Decree

Gregory

Oct. Term 1859.

Enter this  
S. H. H.



Simons for vs. W. Gregory - Chy.

Peter C. Johnston the Commissioner heretofore appointed to collect from the admr. of R. E. Bradley decd. whatever monies were in his hands as trustee in the deed of trust executed by the deft. Gregory, this day made his report, which is ordered to be filed;

And in order to ascertain how far the object of this suit has been ~~accomplished~~, it is ordered and directed, that <sup>Richard M. Hamblin</sup> ~~Henry J. Morgan~~, who is hereby appointed a Commr. for the purpose, ascertain to what extent the debts due from the deft. to the complainant have yet been paid and what amount <sup>if any</sup> ~~is~~ still remains unpaid; and that he also ascertain how much <sup>if any</sup> of the sum of \$295. due from Lewis Smith as the purchase money of the land in <sup>has been paid, & when,</sup> the bill mentioned at the sale under the deed of trust, and what amount thereof, if any, yet remains unpaid - and <sup>the same</sup> report <sup>to the Court,</sup> together with any matter specially stated thought pertinent by himself, or required by either of the parties to be stated: And the cause is continued till the next term.



Simons for &c.

v. } Decree

J. J. Gregory

May term 1859.

Enter Mrs

S. V. F.

334



Simons for O & C

vs

Exchequer

Gregory & others

It appearing to the Court that Robert E Bradley Esqr, The commissioner appointed to make sale of The lands in The bill mentioned, has departed this life, after having made sale of said land at the price of \$295.00 which appears from his report, and it being necessary that the said purchase money and interest due thereon should be collected for the purpose of being distributed among the creditors entitled thereto in this suit, It is therefore ordered that John W S Morrison be and he is hereby appointed commissioner in the place of <sup>said</sup> Robert E Bradley Esqr Deed to collect the proceeds of The said sale of said land & as soon as practicable & make report of ~~his~~ proceedings to the Court at the next term till which time this cause is continued







Simons for Fells vs Gregory & others. — In Chancery.

This Cause came on to be further heard, on this day of Sept. 1847 Upon the Bill of The Compt. The Answer of The Defts, The testimony of Witnesses, The orders of publication <sup>exhibits &c</sup> filed in the Cause, and The report of Commissioners M. B. D. Lane, B. D. Martin & Lewis Smith, to which there is no exception, and which is therefore affirmed by The Court, and was agreed by Counsel. And it appearing to The Court, that the orders of publication against The Absent Defts, have been duly posted and published as required by The Court, and more than two months having elapsed since the filing of The Compt's bill, and since the return day of The Apts. in this case and the said Absent Defts. still failing to appear and answer The Compt's bill it is therefore adjudged <sup>order</sup> and decreed that The Compt's bill be taken for confessed as to The ~~appearing to the Court, that the deft Gregory, has no personal property within the jurisdiction of the~~ said Absent Defts. And, it is ~~is~~ further adjudged <sup>order</sup> and decreed that Robert B. Venable, who is hereby appointed a Comst. for that purpose do sell the lands in The Compt's bill mentioned, on a credit of 12 months at public sale <sup>before the front door of the C. House of this County,</sup> for Cash, to the highest bidder, taking good bond and security from The purchaser for the purchase money payable to himself, having first advertised the time and place of said sale for at least thirty days, at the front door of The Court-house of this County, and at least at four other public places in the said County, most likely to give general notice of such sale, and report his proceedings herein, to This Court at the next term.

\* The Court, out of which The Compt's debt, or any part thereof can be made, it is therefore



A. J. Simons

vs. Deane

Thomas D. Gregory

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Filed 9<sup>th</sup> Sept 1847



Andrew T. Simons for C. Little

vs. } order  
Thomas J. Gregory & others

on the motion of the  
Complainant, it is adjudged ordered and decreed  
that Michael B. D. Lane, Benjamin D. Martin  
& Louis Smith be, and they are hereby appointed  
Commissioners to value the Land in the bill  
mentioned of Thos J. Gregory, and also to ascertain  
whether there be personal property of the  
said Thos J. Gregory, sufficient to satisfy the  
Complainant's Debt, within the jurisdiction of  
this Court, and that they make report of their  
proceedings at the next Term of this Court



Simons for 2

vs Deane  
Gregory Barker

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8th April 1846



Virginia,

At a court of quarter sessions begun and held for Lee County, at the courthouse thereof on the 16th day of August 1841.

Andrew S. Simons having obtained an Attachment against the estate of Thomas S. Gregory who hath privately removed out of this county or absconds or conceals himself so that the ordinary process of law cannot be served on him, for debt, and Lewis Smith a constable of this county having made return that he had executed the said Attachment on 5 Tables, 5 Chairs, 1 Bed room, 1 tin bucket and pair of slatyards and hand saw, two trunks and contents, 1 bedstead, 1 bag, 2 pair of books, 1 Skillet & lid, 1 pot & pan, 1 pair of dog bones 1 pot rack, 1 trivet, 1 pair candle molds, 2 candle sticks 2 snuffers, 2 shovels & tongs 1 bed and furniture one clock and sundry other articles. This day came the plaintiff by his attorney and the defendant being solemnly called and not appearing, it is considered by the court that the plaintiff recover against the defendant one hundred and twenty dollars with legal interest thereon from the 1st day of April 1841 till payment and his costs by him about his suit in this behalf expended. And it is ordered that the sheriff of this county make sale of the attached effects, as the law directs, and the money arising from such sale paying satisfy this judgment to the plaintiff, and return the surplus if any, to the defendant, and return an account of such sale to the court.

Attest my hand. J. W. S. Morrison Clk.

C1.07  
22.50  
5.63  
\$4.20



Recd. of C. Andersson D. Sheriff of Dec County <sup>thirty eight</sup> ~~thirty~~ dollars  
- It being the proportion due him from the amount of the sales  
and seventy one cents of the within order directing the  
sale of Andrew F. Simons property Sept 21- 1841

Andrew F. Simons  
by C. Fitts

B17.

Andrew F. Simons

order sale

Shaw & D. Gregory

Sept. term 1841

The within mentioned  
property sold and  
thirty eight dollars  
and seventy one cents  
paid on the within  
C. Andersson D.S.



Virginia,

At Rules held in the clerks office of the circuit superior court of Law and Chancery for Lee County, on Monday, the 5<sup>th</sup> day of December, 1842.

Andrew F. Simons who sues for the

benefit of Cornelius Fitts. Complainant  
against

Thomas A. Gregory, Champ Hamblin, Robert  
E. Bradley, John M. Beatty, Pleasant Tankersley,  
Boyd Dickinson and Daniel S. Dickinson  
Administrators of the estate of William C.  
Dickinson deceased & Thomas A. B. Nelson  
and Robert A. In Stinney Defendants

In chancery.

The defendants, Thomas A. Gregory, John M. Beatty, Thomas A. B. Nelson and Robert A. In Stinney, not having entered their appearance and given security according to the act of Assembly and the rules of this court, and it appearing from satisfactory evidence that they are not inhabitants of this commonwealth. On the motion of the complainant by his counsel, it is ordered that the said defendants do appear in the clerks office of said court, on the first Monday in March next, and answer the bill of the complainant and that a copy of this order be forthwith inserted in some public news-paper published in this commonwealth for two months successively, and posted at the front door of the courthouse of this County.

A copy - Diste. J. W. S. Morison Dd.

Lee County Court.

This day John W. S. Morison came before the undersigned a justice of the peace in and for said County and made oath that a copy of the above order was duly posted at the front door of the courthouse of Lee County. Given under my hand this 13<sup>th</sup> day of April 1843.

6 back



Andrew J. Simons for &c

vs { Affidavit of J. W. M. M. M.  
Thomas S. Gregory Father

---



Virginia,

Lee County Court,

This day Thomas F. Vincent personally appeared before the undersigned as justice of the peace, in and for said County, and made oath that he is informed and believes that Thomas S. Gregory, John M. Seely, Thomas A. R. Nelson and Robert S. McKinney are now residents of the State of Virginia. Given under my hand this 5th day of December 1842.

Charles Barker



A. F. Simons for be

to Affidavit of J. F. Vincent

Thomas D. Gregory Father



Simons for & C vs Gregory - in Chancery

The undersigned a Commissioner appointed by a decree entered in this Cause at the May term 1839. for the purpose of ascertaining to what extent the debt due from the defendant, to the complainant, have yet been paid and what amount if any still remains unpaid. and to ascertain how much if any of the \$295. due from Lewis Smith as the purchase money of the land in the bill mentioned at the sale under the deed of trust has been paid and when and what amt. thereof if any yet remains unpaid

Regs have to report that on the 17<sup>th</sup> day of August 1839. he proceeded to make the several inquiries as required by said decree. and have ascertained the facts to be as follows to wit

Note for Simons assigned to C Pitts due 1 <sup>st</sup> Feb 1841	120. 00
Interest on same to 1 <sup>st</sup> Sept 1841	3. 00
Am't Cr at this date see C Pitts Receipt	7123. 00
on date Bill, order of sale.	38 71
Interest on this amt.	84. 29
to 1 <sup>st</sup> January 1832.	52. 26
Cr by amt paid at this date	136. 53
by L. Smith. C Pitts rec'd.	100. 00
Int to 1 June 1832	36. 53
Am't Cr by Smith	91
overpaid this amt.	37. 46
which is placed as a Cr on J M Beatty debt. as below	50 00
	12. 54

Note due J. M. Beatty 1 <sup>st</sup> Jan'y 1802 and purchased by C Pitts.	\$22. 50
----------------------------------------------------------------------------	----------

Interest on same to 1 <sup>st</sup> June 1832.	10. 69
Am't overpaid as above and Cr here	33. 19
Int on same to 17 <sup>th</sup> day of August 1839.	12. 54
C Pitts Cash of attachment vs Gregory	20. 65
" " Cash of suit in Chancery.	8 21
this amt due C Pitts on the 17 <sup>th</sup> Aug 1839.	729. 56
29. 56 of which remain at interest till paid	4. 20
	35. 90
	69. 66



Note due to J. Tankersly 3 June 1841 \$416.50  
 Interest on same to 1<sup>st</sup> Sept 1841 81  
 Or at this date by part sale of personal  
 property as shown by C. Anderson (Sheriff) 16.47  
 Int on this to 1<sup>st</sup> January 1852 \$30.84  
 19.03  
 Amt pd by Lewis Smith as for  
 Tankersly's receipt \$49.87  
 Tankersly Cash and attachment 62.00  
 Amt overpaid to Tankersly by Smith 12.13  
 4.31  
 \$7.82  
 Cont. Sale of land L. Smith's note  
 due 23<sup>rd</sup> March 1849 \$295.00  
 Interest to 1<sup>st</sup> January 1852 34.26  
 \$329.26  
 Or by amt pd C. Fitts at this date \$100  
 " " " J. Tankersly " " 54.18 \$154.18  
 \$175.08  
 Int to 1<sup>st</sup> June 1852 4.37  
 \$179.45  
 Or by amt pd C. Fitts 50.00  
 129.45  
 Int on the 1<sup>st</sup> day of Sept 1853 (1853) 9.64  
 Or by amt pd L. S. Morrison as of 139.11  
 50.10  
 89.11  
 Int on this sum to 13 April 1854 (1854) 3.84  
 \$92.95  
 Or at this date by amt pd L. S. Morrison 45.00  
 \$47.46  
 Interest for year on this sum 2.87  
 \$50.33  
 Or at this date by amt pd said Morrison 33.00  
 \$15.33  
 Int on this sum from 15 April 1853 to 15 April 1854 22.77  
 \$16.27  
 Or by amt pd said Morrison at this date 20.00  
 \$3.73  
 This amt overpaid by Lewis Smith  
 the purchaser of the land in the bill mentioned

Cash in the hands of Peter C. Helms as in  
 his report 0.00  
 & Note on Lewis Smith value blank for 207  
 due 1<sup>st</sup> day of November 1853.  
 Credited by \$3.00 21<sup>st</sup> Sept 1851 37 17.00  
 Interest on \$17 from 1<sup>st</sup> Nov. 1853 to 17 Aug 57 3.82  
 \$102.86  
 I must amt coming to C. Fitts at this date 19.68  
 leave this amount in favor of the \$33.20  
 defendant Gregory \$33.20  
 all of which is respectfully submitted  
 Yours for 8 hours & R. W. Hamblen Comr.  
 75 hr hour \$6.00 in Chy for Tax County  
 admitted into proper place to show balance 26.00  
 \$27.20  
 The foregoing statement shows a balance \$27.20  
 twenty seven dollars and twenty cents which is due to  
 Thomas S. Gregory the defendant in the above suit at this  
 date all of which is respectfully submitted  
 Aug the 28<sup>th</sup> 1857. R. W. Hamblen Comr.

33.20  
 L. S. . . 7.82 + 3.73 = 11.55  
 Comm. . . . . 21.65  
 15.65



Simons for &c  
Wm Cour's Report  
H. M. Hamblen  
J. J. Gregory  
Filed 28th August 1839  
H. M. Hamblen Ck

5

J. H. Simons for &c  
Wm Cour's Report  
H. M. Hamblen  
J. J. Gregory  
Filed 10 Sept 1839  
H. M. Hamblen Ck



Pursuant, to a decree, entered, the 8<sup>th</sup> day of April 1846, in a suit, pending, in the Circuit Superior Court of Law & Chancery for, Lee County, wherein Andrew H. Simons, who sues for the benefit of Cornelius Vitz, is Compt., and Thomas Gregory & others are Defts, we, the undersigned Commissioners, after being duly sworn by Charles Cantel a justice of the Peace for said County, went upon the land shown to us as the land of the Defts, and viewed it, and beg leave most respectfully to report to the Honorable Court aforesaid, that we estimated it to be worth Two hundred & Twenty five dollars; and further, that to the knowledge of your Commissioners there is not sufficient personal property, within the jurisdiction of said Court, to satisfy the Compt's debt or any part thereof.

M. B. Lane,  
B. D. Martin  
Lewis Smith

M. B. D. Lane	for services rendered in valuing the above land	\$1.25
B. D. Martin	" " " " " "	\$1.25
Lewis Smith	" " " " " "	\$1.25

Report  
Commissioners  
Simon's . . . . . complete  
ps  
Gregory & others.

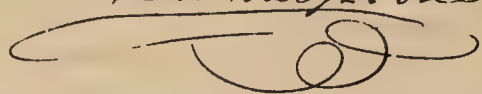
1846  
Sept. report filed



Simons for Fitts }  
Gregory & others } Report of Sale of Land

The undersigned, having been appointed a commissioner by a decree of the court in this cause at the <sup>last</sup> Sept. term thereof, to sell the land in the complainant's bill mentioned, proceeded on the 23<sup>rd</sup> day of March last, after having advertised the time & place of sale pursuant to the terms of said decree <sup>to Sept</sup> to the highest bidder, on a credit of twelve months, and Lewis Smith became the purchaser thereof at the price of \$295.00 and gave bond payable to the undersigned as com<sup>r</sup> with Benjamin Dickinson as security.

All of which is respectfully submitted  
April 6<sup>th</sup> 1848.

Robert E. Bradley  
Commissioner &c  


Simons for Hille

W. J. { Report of Value of  
Land by Court

Gregory nothing  
April 1848



Simon, for &c. vs. J. J. Gregory - Chy.

The undersigned, a Commt. appointed by a former order entered in this cause to collect & receive from The Admt. of Robert E. Bradley, <sup>see?</sup> whatever funds were in said Bradley's hands at his death as <sup>trustee of the</sup> ~~Commt. for settling the~~ lands in the bill mentioned, begs leave to report:

That on the 9<sup>th</sup> day of May 1859 he received from Jacob Lynch, admt. of the saids Bradley, the sum of \$80.00, together with a note executed by Lewis Smith & John Lohrke to said Bradley as trustee, for \$20.00, dated August 1<sup>st</sup> 1843, and payable by the 1<sup>st</sup> day of November 1843, with a credit endorsed for \$3.00 paid April 22<sup>nd</sup> 1851 - which he holds subject to the order of the Court.

Which is respectfully submitted.

W. C. Johnson, Commt.

14<sup>th</sup> May 1859.

Simons for &c

in. } Report of Commr.  
P. C. Johnston.

T. J. Gregory

May term 1859.



To the Honorable Circuit Court of Lee County.

The undersigned Commissioner, appointed  
by a decree of the Court entered in the Case of *Simons* vs *He.  
Mr. Gregory*, <sup>vs others</sup> at the April term 1869, for the purpose of  
conveying the land in the Bill mentioned, to Andrew  
M. Ely, would respectfully report, that I have executed  
and acknowledged a deed, pursuant to the terms, and  
directions of said decree, which deed is herewith  
filed marked X as part of this report.

Respectfully submitted.

Edw. B. Mead.

Report

Commissioner West.

& Decd executed by him





13



This Indenture made and entered into this 10<sup>th</sup> day of January in the year 1842, between Thomas J. Gregory, of Sullivan County, in the state Tennessee, of the first part, John M. Beatty, and William L. Dickinson and Pleasant Hankersley all of Lee County in the state of Virginia of the second part and Robert C. Bradley, of Washington County in the state of Virginia aforesaid of the third part: Witnesseth: that the said Thomas J. Gregory is indebted to the said John M. Beatty in the sum of twenty two dollars and fifty cents due on the 1<sup>st</sup> day of July 1842 on a note executed to Wm. Hampton transferred to said Beatty; and is also indebted to the said Dickinson in the sum of about \$23.50 due on the day of February 1841 and the cost being the same debt for which said Dickinson obtained a judgement in the County Court of Lee County; & is also indebted to the said Hankersley in a sum of originally \$40.00 due on the day of June last and the cost of an attachment of which a part not now known has been paid being the same for which said Hankersley also has a judgment of Lee County court; and being willing & desiring to secure the payment thereof in consideration thereof and in further consideration of the sum of one dollar to him in hand paid the receipt of which is hereby acknowledged, hath granted, bargained & sold, and doth by these presents grant bargain & sell to the said Robert C. Bradley a certain tract or parcel of land lying in the aforesaid county of Lee, supposed to contain about one hundred and five acres, being the same tract purchased by Champ Hamlin from Thomas Blakemore & conveyed by deed bearing date on the 28<sup>th</sup> day of November 1809, and lately purchased by said Gregory from said Hamlin but not yet conveyed to him, adjoining the land of Henry Chowell Andrew E. Simons & others on the north side of Powell's river & to have and to hold to the said Bradley and his heirs with its appurtenances forever; and the said Gregory for himself and his heirs, doth hereby warrant and will defend the said tract or parcel of land to the said Bradley this heirs against the claim or claims of all persons whosoever. In Trust, nevertheless, that if the said Gregory shall will and truly pay the aforesaid debts, with such interest as may have accrued thereon, together with the expenses of drawing & recording this deed, on or before the 15<sup>th</sup> day of July 1842, then this Indenture is to be void; and in further trust that if the said Gregory shall fail to pay the said debts, or any of them with interest and costs as aforesaid or any part thereof in <sup>that</sup> case it shall be lawful for the said Bradley to sell the said tract of land or so much thereof as may be sufficient for the purpose at public sale to the highest bidder on a credit of six and twelve months for the whole of the purchase money except for fifty dollars which is to be paid down on the day of sale the day of and place of said sale



to be advertised previously thereto for not less than thirty days, and the sale to be made at the courthouse of Lee county on some court day; and the said Bradley is also authorized if he shall consider it expedient, to sell the said land or such part as it may be necessary to sell at private sale and out of the proceeds thereof to pay the debts aforesaid with interest & said costs and the expense of drawing & recording this deed, and also pay out of the same to Thomas A. R. Nelson and Robert J. McKinney, attorneys at law; the fees which may be due to them respectively as attorneys and counsel of said Gregory to defend him in the prosecution now pending against him in said county of Sullivan said fees being contingent and to retain five percent as his compensation - and the residue to pay over to the said Gregory. In testimony whereof, the said Gregory and Bradley have hereto subscribed their names and affixed their seals the day and year first above written.

Th. J. Gregory Seal  
Robert E. Bradley Seal

Sullivan County, to wit.

We Jacob E. Dupietz and David Shaver, two justices of the peace in and for the county of Sullivan aforesaid, in the State of Tennessee, do hereby certify that Thomas J. Gregory, party to a certain deed of trust bearing date on the 10<sup>th</sup> day of January 1842, and hereto annexed personally appeared before us in our said county and acknowledged the same to be his act and deed and desired us to certify the said acknowledgment to the clerk of the county court of Lee, in the State of Virginia in order that the said deed may be recorded.

Given under our hands and seals this 10<sup>th</sup> day of January 1842.

Jacob E. Dupietz Seal  
David Shaver Seal

A Copy True:

Virginia,

J. W. S. Morison C. C.

At a court begun and held for Lee county, at the courthouse thereof on the 17<sup>th</sup> day of January 1842 this deed of trust from Thomas J. Gregory to Robert E. Bradley for the benefit of John M. Beatty, William S. Dickinson, Pleasant Sunkelby, Thomas A. R. Nelson and Robert J. McKinney was this day acknowledged by the said Bradley in open court and together with the certificate hereto annexed of the acknowledgment

of this said Gregory, ordered to be recorded.

Attest:

J. W. S. Morison C. C.



Robert B. Bradley for  
John M. Beatty & others

From } Coffey Seed Trust  
Thomas A. Gregory

---

(15)

Mr. Robert E. Bradley,

Will please pay to Francis Muncey of  
See County, the sum of Ten dollars out of the proceeds  
of my land, when it shall be sold, of which he is trustee  
under a deed of this date. January 10<sup>th</sup> 1842.

also Preston & Gibson's debt.

Teste,

H. C. Johnston.

Th. J. Gregory

<sup>ad</sup> Preston & Gibson's R. E. \$10.00 Ltr in 1839



J. J. Gregory  
To & order  
of R. E. Bradley  
\$120.00

(7)

On the first day of July  
eighteen hundred and forty  
two I promise to pay William  
Hampton the sum of twenty  
two and a half Dollars for  
Value Received my hand  
and seal this 21 of Dec

1840 —

test John Burton

Thos Huger Secy



Thomas J. Gregory

To 3 Arts

William Hampton

\$22.50.

---

(98)

(L.)

Sale of Thomas Gregorys property 21<sup>st</sup> Sept. 1841.

Job. Crabtree \$11.15	}	E. Hill \$11.36
Cost. 4.25		Cost. 4.31
Comm. .77		Comm. 0.78
<u>\$16.17</u>		<u>\$16.45</u>
16.45		
<u>\$32.62</u>		

Amount of Sale	\$100.65 <sup>1</sup> / <sub>2</sub>
Crabtree & Hill	32.62
	<u>68.03<sup>1</sup>/<sub>2</sub></u>
Am <sup>t</sup> of Tax & Tackels	10.84
	<u>\$57.19<sup>1</sup>/<sub>2</sub></u>

To be divided between Simon & Tankersley in proportion to their debts

Simon's Debt \$120. Int from 1<sup>st</sup> day of April 1841. to 21<sup>st</sup> Sept. 1841 making 8 mo. 20 days

Int. 3.41  
~~Cost~~ 4.20  
\$127.61

Tankersleys debt \$46.50

Int. .83

Cost . 4.31

\$51.64  
127.61  
 179.25

2035

179.25 : 57.19 : : 57.64

57.64  
 22876  
 34314  
 5719  
 28595  
 179.25 ) 29532.916 ( 16.47582  
17925  
 116079  
 107350  
 85291  
 71700  
 135916  
 125475  
 104410  
 89625  
 147850  
 143450  
 44500  
 34850  
9650

Simon must have \$40.71417

Tankersley

179.25 : 57.19 : : 127.61  
 57.19  
 114849  
 12761  
 89327  
 63805  
 179.25 ) 72980.159 ( 40.71417  
71700  
 128015  
 125475  
 25409  
 17925  
 74840  
 71700  
 31400  
 17925  
 134750  
 125475  
9275

16.47582

\$57.18999

\$57.19000



Calculation of  
Gregory's Sale

\$ 275. -

6

1770

2

\$ 3540

interest 2 years

275

330.40

150.00

paid Fills -

180.40

62.00

paid Jan Kinsley Samistune.

\$ 118.40

710.40

2

1420.80

1840

18260

5000

paid Morrison -

\$ 82.60

495.60

247

8260

85.07

4500

paid Morrison in 54

40.07

120

41.27

1000

paid Morrison for a J. S. fall<sup>54</sup>

\$ 31.27

93

32.20

35.00

paid Morrison Spring of 53

3.20

2000

paid Morrison also  
in 1856.

23.20

now paid -



Lewis Smith  
 as { Payments  
 J. W. L. Morrison

Voucher for  
 Proven by the auth.  
 of E. B. Crockett,  
 the Cr of the author's name  
 was not taken in the  
 calculation by request of  
 Smith,

32.43  
 3.25  
 3.45  
 1.11  
 10.00  
 10.00

for Mr. King 1872  
 for Mr. King to  
 for Mr. King to  
 for Mr. King to  
 for Mr. King to

I hereby certify that Lewis Smith, as the purchaser of the  
land of Thomas J. Gregory, under the decree of the Circuit  
in the case of ~~Wm. H. Gregory~~ <sup>for Wm. H. Gregory</sup> vs. Thomas J. Gregory  
Superior Court of Law & Chancery of Lee County Virginia  
paid me of said purchase money, One hundred & Dol-  
= lars, on or about the 1<sup>st</sup> day of June 1852 and  
the sum of Fifty Dollars, on or about the 1<sup>st</sup> day of  
for which reasons I gave him receipts which are lost or mislaid  
1<sup>st</sup> of June 1852. Given under my hand this  
1<sup>st</sup> day of May 1859.

Witness  
my hand

Benjamin F. Fitts

Done R. Fitts



(A.)

846 50 to

One day from date  
I borrow to Roy Pleasant  
Thanking the sum of forty  
six dollars and fifty to  
for value received  
Witness my hand and  
seal this 3<sup>rd</sup> of June 1841  
J. H. Grey





#100.20 April 1 1861

one day after date I bind my  
self My heirs &c to pay to  
A. H. Simmons the sum of full  
sum of one hundred &  
twenty dollars for value Recd  
of him as witness My hand  
& seal ~~this day of~~  
the day & date above

The Hungate



I sign the with note  
to Cornelius Fitts for  
value Recd this 22<sup>d</sup> of June

1841

Andrew Smokey

Andrew Smokey  
of New York  
To Mr. Fitts  
22<sup>d</sup> June 1841

Donville 30<sup>th</sup> May 1856

Received of Lewis Smith twenty dollars being part of  
the debt due from him for the purchase of the Gregory  
land

J. W. S. Morrison  
Secy.



*Q*

*Lee* COUNTY, to wit :

TO THE SHERIFF, OR ANY CONSTABLE, OF SAID COUNTY :

WHEREAS *Andrew F. Simons* hath this day complained before me *Valentine A. Woodson*  
a justice of the peace for the said county, that *Thomas J. Gregory* is indebted to him in the sum of  
*\$120.00* with interest thereon from the *2<sup>d</sup>* day of *March* <sup>*1841*</sup> due by note  
and that the said *Thomas J. Gregory* is removing out of the said county privately, or absconds or conceals himself,  
so that the ordinary process of law, cannot be served upon him, and the said *Andrew F. Simons* having  
given bond and security according to law: These are therefore in the name of the Commonwealth, to require you to  
attach the estate of the said *Thomas J. Gregory* - or so much thereof as shall be of value sufficient to  
satisfy the said sum of *\$120.00* together with interest thereon from the *2<sup>d</sup>* day of *March* <sup>*1841*</sup>  
and the costs; and such estate so attached in your hands to secure, or so to provide, that the same may be liable to further  
proceedings thereon to be had at the next court to be held for this county; and that you then and there make return how  
you have executed this warrant. Given under my hand this *29<sup>th</sup>* day of *July* <sup>*1841*</sup>

*Valentine A. Woodson J.P.*



No 3  
A F Simons  
vs  
Attachment  
Thomas J fragary

By the 2<sup>d</sup> Levy on

4 Tables	one Bed & furniture
5 Chairs	1 head of cattle
1 Bedstead	1 Clock
2 Trunks & contents	and divers
1 Bedstead	other articles
1 Cane	which I have
1 Bedstead	attached on
1 Linen chest	By virtue of
1 Pair sleighs	the within warrant
1 Hand saw	on one <del>fragary</del> horse
2 Pair foot hooks	Levi Smith Constable
1 Shovel & tongs	1841 Aug 24 <sup>th</sup> for
1 Pot & Oven	103 p <sup>ts</sup> @ 1.07
1 Pair dog-iron	02.50
1 Pot-rack	9.63
1 Trebbet	4.20
1 Pair Candle mals	
2 Candle sticks	
2 Smuffers	
2 Shovels & Tongs	

A. F. Simons vs. T. J. Gregory & al:

~~For accounting of assets~~

A portion of the fund derived from the sale of the land in the bill mentioned being in the hands of Jacob Lynch, of Washington County, who is the administrator of the Trustee Robert E. Bradley deceased, it is ordered that Peter C. Johnston, who is hereby appointed a Commissioner for the purpose, collect & receive from the said adm't. so much of the said fund as the adm't. aforesaid may have in his hands, or as may have been in the hands of his intestate not paid over, deducting <sup>three</sup> ~~from~~ <sup>to the trustee</sup> from such unsettled compensation, as may be yet due ~~to said Johnston~~ and unpaid, and ~~to~~ report his proceedings to the next term - till which time this cause is continued.



437

Commit to Value  
Land to be  
appointed



The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY, GREETING:

WE COMMAND YOU TO SUMMON Thomas S. Gregory, Champ Hamblin, Robert B. Bradley,  
John M. Beatty, Pleasant Bankusley, Roy Dickinson and Daniel  
S. Dickinson Administrators of the estate of William B. Dickinson  
deceased & Thomas A. R. Nelson and Robert S. McKinney .

to appear before the Judge of our Circuit Superior Court of Law and Chancery for LEE COUNTY, at the clerk's  
~~office~~ of our said Court, at rules to be holden for said Court, on the first  
Monday in January next  
to answer a Bill in Chancery exhibited in our said Court against them by Andrew J. Simons who  
sues for the benefit of Bonded Debtors . . . . .

and unless they shall answer the said Bill within two months thereafter, the same will be taken for confessed,  
and that they shall in no wise omit under the penalty of \$100 each .  
and the said Court will decree accordingly. And have then there this writ.

WITNESS, JOHN W. S. MORISON, Clerk of our said Court, at the Court-House, this 5<sup>th</sup> day of  
December 1842 in the 67<sup>th</sup> year of the Commonwealth.

J. W. S. Morison Clk.

Attest. J. W. S. Morison Clk.

The Commonwealth of Virginia,

TO THE SHERIFF OF LEE COUNTY, GREETING:

WE COMMAND YOU TO SUMMON *Thomas S. Gregory, Champ Houlden, Robert E. Bradley, John M. Beatty, Pleasant Bankerly, B. J. Dickinson and Daniel S. Dickinson Administrators of the estate of William B. Dickinson deceased & Thomas A. R. Nelson and Robert S. McKinney*

to appear before the Judge of our Circuit Superior Court of Law and Chancery for LEE COUNTY, at the clerk's office of our said Court, at rules to be holden for said Court, on the first Monday in January next to answer a Bill in Chancery exhibited in our said Court against them by Andrew F. Simons who sues for the benefit of Bondholders.

and unless ~~they~~ *he* shall answer the said Bill within two months thereafter, the same will be taken for confessed, and the said Court will decree accordingly. And have then there this writ.

WITNESS, JOHN W. S. MORISON, Clerk of our said Court, at the Court-House, this 5<sup>th</sup> day of December 1811 in the 67<sup>th</sup> year of the Commonwealth.

*J. W. S. Morison C. C.*



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A. J. Simons for 40

VS Sup in Chancery

D. J. Gregory & others

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Sup. Rules 1843

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Executed on  
Champ & Ambler  
Pleasant Taskerley  
Boyd Dickersons.  
R. E. Bradley  
nonresident of Lee  
County. the other  
Defts non residents  
of the C. wealth  
of Virginia  
C. Anderson D for  
John Fulkerson & L. C.

KNOW ALL MEN BY THESE PRESENTS, THAT WE *Andrew F. Simons*  
and *Pleasant Sanborn* are held and firmly bound to *Thomas J. Gregory* in the  
sum of \$240.00 to be paid to the said *Thomas J. Gregory* his  
certain attorney, his executors, his administrators, or assigns; for the true payment whereof  
we bind ourselves jointly and severally, our joint and several heirs, executors and administra-  
tors firmly by these presents. Sealed with our seals, and dated this 29<sup>th</sup> day of July  
in the year of our Lord 1844.

THE CONDITION of the above obligation is such, that whereas the above bound *Andrew F. Simons*  
hath this day applied to *Nataniel Woodard* a justice of the peace for  
the county of *Lee* — for an attachment against the estate of the above named  
*Thomas J. Gregory* for the sum of \$120.00 which attachment hath been  
granted, on previously entering into this bond, returnable to the next county court; if therefore  
the said *A. F. Simons* shall satisfy and pay all costs which shall be awarded to the said  
*Thomas J. Gregory* in case the said *Andrew F. Simons* shall be  
cast in the said suit, and also all damages which shall be recovered against the said *Andrew*  
*F. Simons* for his suing out the said attachment, then the above obligation to be  
void, else to remain in full force.

Signed, sealed, and }  
delivered, before }

*N. Woodard*

*A. F. Simons* (seal)

*Pleasant Sanborn* (seal)  
witness



## VIRGINIA:

**A**T rules held in the Clerk's Office of the Circuit Superior Court of Law and Chancery for Lee county, on Monday, the 5th day of December, 1842.

Andrew F. Simmons who sues for the benefit of Cornelius Fitts. Complainant.

### AGAINST.

Thomas J. Gregory, Champ Hamblen, Robert E. Bradley, John M. Beaty, Pleasant Tankersley, Boyd Dickenson, and Daniel S. Dickenson, Administrators of the estate of William C. Dickenson deceased, and Thomas A. R. Nelson, and Robert J. McKinney.

Defendants.

### IN CHANCERY.

The Defendants, Thomas J. Gregory, John M. Beaty, Thomas A. R. Nelson and Robert J. McKinney, not having entered their appearance and given security according to the Act of Assembly, and the rules of this court, and it appearing from satisfactory evidence, that they are not inhabitants of this Commonwealth. On the motion of the Complainant by his counsel, it is ordered, that the said Defendants do appear in the Clerk's Office of said court, on the first Monday in March next, and answer the bill of the Complainant, and that a copy of this order be forthwith inserted in some public newspaper, published in this Commonwealth, for two months successively, and posted at the front door of the Courthouse of this county.

A Copy—Teste,

J. W. S. MORISON, c. c.

Dec. 24, 1842—2m.

This day personally appeared before  
the undersigned a justice  
of the Peace, Mr. Latham center  
of the Banner and Men  
and that the annexed  
Notice was published in  
his paper upwards of  
two months since  
and my hand this 15  
March 1844

J. H. Daff

\$ 5